



Town of Westport
Planning and Zoning Commission
Town Hall, 110 Myrtle Avenue
Westport, CT 06880
Tel: 203-341-1030 Fax: 203-454-6145
www.westportct.gov

Hearing: May 7, 2020
Decision: May 7, 2020

May 8, 2020

Dean E. Martin, P.E.
Grumman Engineering, LLC
20 Knight Street
Norwalk, CT 06851

RE: 1 Plunkett Place, Special Permit/Excavation and Fill Appl. #PZ-20-00188

Dear Mr. Martin:

This is to certify that at a meeting of the Westport Planning and Zoning Commission held on it was May 7, 2020, moved by Mr. Stephens, and seconded by Mr. Lebowitz to adopt the following resolution.

RESOLUTION #PZ-20-00188

WHEREAS, THE PLANNING AND ZONING COMMISSION met on May 7, 2020 and made the following findings:

Property Description

1. The subject property, 1 Plunkett Place, is located in the Residence AA zone and is serviced by septic system and public water. The gross lot area is 1.003 acres, or 43,670 SF, which is conforming in the Residence AA zone, where a minimum lot area of 43,560 square feet is required. There are 1,175 SF of wetlands but no steep slopes on site.
2. The survey shows the property ranges in grade from approximately EL 160' on the north side of the property and slopes down to EL 140' in the along the southwest corner of the property.

Proposal

3. The applicant is requesting Special Permit for excavation and fill activities in order to conduct regrading activities outside the exempt area per §32-8.1.12 (a). The work has not yet been done.

4. The project includes construction of two (2) 3 ½' -5' retaining walls in the side and rear yard to expand the patio and to create a level yard area. The proposal includes 465 CY of earthwork, including 286 CY of excavation and 179 CT of fill. The average depth of the cut/fill is 4 feet. It appears the maximum depth of the cut is 8 feet.
5. The Westport-Weston Health District has issued an approval, dated 3/2/20, for the proposed regrading.
6. The Conservation Department issued a permit for the proposal on 3/6/20.
7. Comments from the Engineering Department dated 4/7/20 indicate the plan is substantially correct and requires no further revisions.
8. Testimony was received at the May 7, 2020 public hearing.

NOW THEREFORE, BE IT RESOLVED that 1 Plunkett Place, Appl. #PZ-20-00188 submitted by Dean Martin, P.E for property owned by Sarah Hannah and Noel Wollowick for a Special Permit and Site Plan for excavation and fill activities to create a more level rear yard located in the Residence AA zone, PID#G11005000 be **GRANTED** subject to the following modifications:

1. Conformance to the Existing Conditions Survey, prepared by Dennis Deilus, L.S. dated 10/1/19.
2. Conformance to the Site Plan and Regrading Plan, prepared by Grumman Engineering, dated 2/12/120, revised 3/18/20.
3. Prior to issuance of a Zoning Permit:
 - a. Final Engineering Department Signoff; and
 - b. Proof of filing the resolution of approval on the Land Records; and
4. All new utilities shall be placed underground.
5. All required plantings shall be maintained in a healthy growing condition and all fences and walls shall be maintained in good physical condition.
6. The replacement and/or repair of any wall greater than 4 feet in height shall require the issuance of building permit.
7. All work approved pursuant to this Special Permit/Site Plan shall be completed within 5 years of date of approval, by May 7, 2025.
8. Prior to issuance of a Zoning Certificate of Compliance, the applicant shall submit a final "As-Built" survey.
9. This is a conditional approval. Each condition is an integral part of the Commission decision. Should any of the conditions, on appeal from this decision, be found to be void or of no legal effect, then this conditional approval is likewise void. The applicant may refile another application for review.

ENFORCEMENT Failure to comply with any standard or condition contained in this Resolution, shall be considered a zoning violation pursuant to §45-2 of the Westport Zoning Regulations. The failure to undertake corrective action within 10 days of being notified of such violation may result in the following remedies: 1) issuance of a notice of violation; 2) issuance of a cease and desist order; 3) issuance of a municipal citation with daily fines of up the maximum allowed by statute; and/or 4) enforcement action through a judicial proceeding.

Reason

1. The application as conditioned has been found to be in conformance with all applicable zoning regulations, with the 2017 Plan of Conservation and Development, and the Site Plan and Special Permit standards listed in §44-5 and §44-6.

VOTE:

AYES	-7-	{Dobin, Stephens, Rutstein, Lebowitz, Walsh, Cammeyer, Olefson}
NAYS	-0-	
ABSTENTIONS	-0-	

Very truly yours,

Handwritten signature of Danielle Dobin in black ink, followed by the number 41.

Danielle Dobin, Chairman
Planning & Zoning Commission

cc: Amrik Matharu, DPW Engineering